Gazette of the United States.

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[No. 113 of Vol. IV.] SATURDAY, JUNE 29, 1793. [Whole No. 435.]

LAW CASE.

Robert Findlev, jun. and others, } *Libel filed.*
Ship William.

Sketch of the Pleadings in this important case, continued.

JUNE 15.

MR. INGERSOL for the captors, first endeavored to shew, that the violation of one part of the treaty, by proceeding in this case would annul the whole. To this effect he cited 4. Vat, Sec. 46. He could not reconcile the proceedings of the Executive in arresting the prize and detaining her, with the express words of our treaty of amity and commerce with France. Even if the property was wrested from our hands the Court would not have a right to declare the prize illegal.

From the Universal Dictionary, page 112, he read the words of part of a treaty between France and the United Netherlands, in substance nearly the same as the 7th art. of our treaty with France, and also page 234, part of another treaty, containing similar provisions. Is it not incumbent upon the counsel on the part of the libellants (he asked) to shew cases wherein a construction has been put upon the provisions in these treaties similar to that contended for. If none can be adduced, the cause surely cannot be supported.

He cited Lee 77, 78, 81, 220, and 211, to shew that it is the duty of him who is neutral, not to interfere in determining the question of prize or no prize. 3. Grotius, chap. 9, sec. 16—says, *It is said*, that when the capture is found on neutral ground it forms an exception; but Burlamaque combats this opinion. Bynk. 191, 194 says, it would be unfair that a court should have power to restore without the power to condemn. In the case now before the Court, it is not contended that there is power to condemn.—A faithful observance of treaties, he remarked, is the best method of attaining respect and preserving peace. A capture on neutral ground is an offence to the neutral power; but it belongs to the Executive only to obtain redress by means of negociation; the Executive is the only organ of government by which we communicate with foreign nations.

Mr. Rawle had cited 3 Vat. sec. 132, to shew that if a power at war attacked an enemy on neutral territory, a wrong is done to the neutral country; this he admitted; but he insisted the Executive alone is competent to demand reparation.

Many observations had been made by Mr. Rawle, on the extent at sea of our territorial claim. He differed as to the extent of that claim and conceived it more confined than it was endeavored to be laid down by that gentleman.—1. Vat. p. 116, says, that the dominion of a state is as far as is necessary for its safety; if the facts stated in the libel were compared with this rule, he conceived, that no just ground of complaint could be formed by us. Our treaty with France, the Netherlands, and Sweden, are indefinite on this head,—"*near* the coast," is the expression. The indefinite nature of the question rendered it a much fitter subject for negociation than for a legal decision.

He turned to the Encyclopædia, article Gunnery, to shew, that a 24 pounder will not throw a ball to the distance of quite three miles.

Judge Peters called the attention of the counsel to the point, before the court, viz. whether, *if* the capture was made on neutral territory, then can the court take cognizance.

The question, Mr. Ingersol said, is a question of prize and no prize, the very question expressly precluded by treaty. From 16 Vinr. 600 it appears plainly, that to give jurisdiction to a neutral court of admiralty, it must appear, that the countries to which the captors and captured belong are at peace with each other. He cited Molloy 14, 15, to the same point.

2 Show. 232. In this case the answer given by the Court was, if you think yourself aggrieved, apply to the King in council.

Justice Jay's argument was cited to shew that this case had better be decided in a judicial court. It was enough to answer that the framers of the treaty never contemplated a decision of this kind in case of disagreement.

Code des Prises 877 had been referred to. The case there recited and that before the Court are very dissimilar. The Fosters were Merchants *established* at Bourdeaux; France was at peace with the United States; their vessel was taken by an American frigate; the Court of Admiralty could condemn as well as return.

Magens 487. The court of that country to whom the captors belong determine the question of prize or no prize, and there cannot be any other equitable mode of trial. Grotius 601, was also quoted as containing a case or opinion in point.

Mr. Sergeant on the same side.

Vattel states the great jealousy that exists between belligerent powers relative to the conduct of neutral nations, which should be consequently very cautious how they, in any manner interfere in their quarrels. A neutral nation should consider both parties as right. Prizes become the property of the sovereigns, in a degree, who gave the commission to the captors; they are not to be meddled with; but our treaty with France is explicit on that head.

2 Vat. Sec. 346 to 349, lays down, that a nation has no right to judge between an individual and a sovereign State. Sec. 210 to the same point nearly; a neutral nation has no right to set itself up as judge between belligerent powers unless by the agreement of both parties. 4. Inst. lays down, as in 1st Vin. 600 that before a case of capture can be brought before a neutral admiralty court it must be shewn, that the sovereign of the country where the cause is instituted be at peace with the countries where the parties belong and that those countries are also at peace with each other.

Lee expressly says that in case of insults offered to a neutral nation, satisfaction must be demanded by the executive and the business settled by negociation. If it was admitted that admiralty courts could interfere in cases like the present, privateers circumstanced as the Citizen Genet is supposed to be, would, with their captures, ever keep out of the jurisdiction of those courts, and then the executive must at last be resorted to. One powerful reason why the executive should settle differences arising from a violation of a neutral territory is, that having the public force at their command, they can make those neutral rights more respected.

The counsel on the other side appear to suppose that a republic possesses fewer of the rights of sovereignty because their executive is not so energetical as that in absolute governments; but Montesquieu says well, that in every sovereign State their exists the same quantum of power,—power complete for self preservation and the vindication of wrongs.

He adduced a recent case in point: An English merchantman at the Faulkland Isles, which are claimed by no nation and looked upon as common property, was stopped by a Spanish sloop of war, her rudder blocked and sails taken. The English, through their executive agent demanded and obtained concessions and reparations of damages.

Shall the Captain of a British merchantman, he asked, be the guardian of our rights, or rather shall not we undertake the task of vindicating them without his interference?

Suppose we should go into the merits of this case and find that the capture is a good one, the court however could not condemn it.

The case from Bynkershoek, he conceived by no means in point; neither that from the Code des Prises, as had been stated by his colleague.

Upon the whole, he recapitulated, that a neutral court of admiralty cannot judge between belligerent powers. That if there is a violation of territory, the court of admiralty cannot obtain redress, but that it must be left to the executive; that there is no instance of a court at law vindicating the rights of neutrality; that the injured party must apply to the sovereign; and if we are injured we must settle the business by negociation.

Mr. Duponcean, before the court adjourned, wished to call their attention to an observation made by Bynkershoek, of a difference between deliberately taking a vessel in a neutral port, or capturing her within the neutral territory in the heat of pursuit.

Adjourned to the afternoon.

[*Mr. Lewis's argument in our next.*]

FROM THE VIRGINIA GAZETTE.

Messrs. HANSON & BOND,

I send you a copy of the letter directed by the Club of French Patriots of this Town to their friend Capt. FERREY, commanding the privateer *Sans Culotte*. By publishing it in your useful and patriotic Gazette, you will oblige your servant and brother Republican,

CHERUI.

By order of the Committee,

June 14, 1793.

N. B. The answer will be translated for your next.

TRANSLATION

Of an Address directed by the Club of the French Patriots of Alexandria, to their friend Captain FERREY, commanding the French Schooner *Sans Culotte*, and presented by Citizen CHERUI, at Baltimore.

CITIZEN CAPTAIN,

THE French Patriots, your friends, of Alexandria, incited by love for their country, and actuated by respect for those of their brothers who are its defenders, of whatever denomination, have charged Citizen CHERUI to acquaint you with the esteem they have conceived for your invincible courage. Well done! Captain continue to rid the world of the blood enemies to liberty; purge the seas of those fierce Britons, who once boasted to possess *their* empire. Let them know that, as we were equal to them at a time when we smarted under the rod of tyranny, now, free republicans, we will be their superiors. What glory it is to fight in such a cause! and how deeply you seem to be convinced of this truth! For, give us leave to observe to you, Captain, that at the rate at which you go on, you would soon convert GEORGE himself, to freedom. The newspapers every day mention your exploits; and a few meetings like the one you had with the *Joseph, Fanny*, &c. would be more than sufficient to convince the vile soldiers of despotism, that the cause of liberty is the best. These men are deaf to any arguments but those of cannon. Be assured therefore, Captain, we look upon you as one of the best missionaries the National Convention has sent to these shores.

If you do not persuade, you defeat them.—Your mode is equal to any other. Slaves disregard whoever do not conquer them. In vain you would reason with them; they think themselves born to serve; they fear, as foes, those who offer to be their deliverers; an unaccountable distrust is the lot of the ignorant. We have displayed the rights of man through the channel of our National Assemblies. The universe first wondered at our boldness, but soon after, they admired our wisdom. None but tyrants have trembled: they were afraid that liberty, the basis of our new system of government, should extend its shade as far as their desolated lands; then they commanded their subjects to take arms, & those wretches, like vile slaves, have run to the field of battle. Who are those they are going to murder?—Their benefactors. What will be the consequence of the conquest for which they are so eager? Universal slavery. And can we look upon such men as our brothers? No, Captain, they do not even deserve our pity.

Arm again, and go to fight them; do not be afraid of wanting men. There is not a true Frenchman who is not determined to give up his life rather than to see the cause of his country deserted. If our brethren who inhabit our mother country, are not sufficient, we are ready to unite ourselves from the four parts of the world, to form an immoveable phalanx, which nothing but one common death shall annihilate, or a complete victory dissolve.

With the greatest respect for your courage, and with particular esteem, we are, sir, your friends, the French Patriots of Alexandria,

Cherui, D. F. Donnant,
Neblon, John Daranne,
Conde, Robert Dubois,
John Badin, Lemoine,
John Petit, Beloy.

P. S. We think it our duty to mention to you the kind and fraternal reception your prize, the *Jean*, met with in this harbour from our generous allies. They manifested the joy they felt for our success by a salute of cannon, which we answered; and with the more delight, as we were persuaded of the sincerity of their hearts. It is the characteristic of Freemen to be friends.

SALEM, (Mass.) June 18.

ADDRESS OF THE TOWN OF SALEM,
To GEORGE WASHINGTON,
President of the United States of America.

SIR,

FULLY and deeply impressed with the wisdom, propriety and policy of the measure which you have lately adopted in issuing your proclamation, wherein it is declared, that the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct, friendly and impartial towards the belligerent powers therein mentioned; and contemplating with heart felt sorrow the calamities and distress of mankind invariably accompanying and necessarily incident to a state of war; and at the same time viewing, with the most pleasing and and grateful emotions, the happy and flourishing situation of these states, under the present excellent constitution, in the administration of which so much is due to your integrity, impartiality and wisdom, ever watchful to promote the true interests of the citizens thereof:

We the Freeholders and other inhabitants of the town of Salem in Massachusetts, legally and duly met in town-meeting, cannot refrain from thus unanimously expressing to you the pleasure and satisfaction which we received on seeing that Proclamation; and are induced to take the earliest opportunity of assuring you of our fixed and determined resolution of strictly complying with its object, and discountenancing and discouraging the attempts of all persons who, regardless of their duty, and willing to injure the true interest of these states, shall act in any manner contrary to the injunctions therein contained.

And permit us further to add, that from our knowledge of the sentiments of our fellow citizens in this part of our common country, we have no doubt that the watchfulness and paternal care of the Supreme Magistrate of the United States, aided and assisted by the exertions of the peaceable and good citizens thereof, will effectually prevent the smallest deviations from the strictest neutrality; will restore, preserve and keep our infant Republic in the cheering and fostering bosom of peace; and make and continue us the friends and brothers of the great family of mankind.

MAY 31st, 1793.

THE ANSWER,
To the Freeholders and other inhabitants of the town of Salem, in Massachusetts.

GENTLEMEN,

PLACED in the situation I am by the free voice of my fellow citizens, it becomes a duty, pleasing as it is strong, to pursue such measures as appear best calculated to promote their true interests.—Under this impression I issued the late proclamation, declaring the neutrality of the United States in the present contest between France and other European Powers.—In making this declaration, I was persuaded that I spoke the wishes of my countrymen, without violating any political or moral obligation.—And the evidences of satisfaction which have been exhibited on this occasion, as well as the assurances of good Citizens to use their influence in preserving the peace and prosperity of our infant Republic, afford a new proof of that liberal and enlightened sentiment which has been so often and so honorably manifested by them on great occasions.

G. WASHINGTON.

Foreign Intelligence.

LONDON, May 7.

From *Tuesday's* LONDON GAZETTE.

Tournay, May 3.

ON the 1st inst. the French attacked the advanced posts of the left wing of the combined army, but were repulsed in all their attempts. On the same morning the French also attacked the advanced posts on the centre, but were there likewise repulsed: They suffered in these several engagements a considerable loss both of men and cannon.

We have this day received letters from Brussells, dated the 3d inst. in the afternoon, one of them inclosing the following letter, that moment come to hand, dated

"Mons, May 1.

"We have taken by assault the mountain of Ausin, 1 league distant from Valenciennes, which was strongly fortified with cannon, and intercepted the communication of the four roads. We have taken several prisoners, and we are assured 40 or 50 pieces of cannon. However this may be, it is certain that we have possession of the mountain; so that we can keep a check of the camp of Famars, and get possession of Valenciennes with more facility."

Extract of a letter from Dover, May 5.

"The Capt. of the Packet from Ostend, just arrived, reports that a messenger arrived at Ostend from the armies yesterday afternoon, who brought an account of an action in

which the French had ſuſtained a conſiderable loſs. The Duke of York was engaged in it, but particulars are not ſtated."

The whole capture of the Spaniſh Galleon, or Regiſter Ship, was on Saturday laſt adjudged to the captors, and the Spaniſh ambaſſador has aſſented to it, after a minute inveſtigation of the ſubject. Lord Hood will be entitled to a ſhare, as commander in chief of the fleet which made the capture; and it is ſaid that his proportion alone will amount to 60,000l. ſterling.

Lord Hood, as commander in chief of the Mediterranean fleet, comes in for a 16th of this prize, whatever it may turn out to be, and all other captures made by ſhips under his orders, which muſt nett his lordſhip a very capital fortune.

In conſequence of the cargo of the rich re-captured Spaniſh ſhip being allowed by the government as an entire prize, a troop of light horſe was diſpatched from London on Monday laſt to Portſmouth, to eſcort this immenſe wealth directly to town.

The French Convention have voted to their miniſter at war the enormous ſum of 52,800,000 livres; about 2,300,000l. to provide ſubſiſtence for the armies.

Bruſſels Gazette Extraordinary.

"May 2d.

"The French came to attack us yeſterday in force. They were at firſt repulſed from St. Sauve. There is reaſon to believe that their intention was to turn the left wing of our army.

"It was determined to make the ſecond line march by Sebourq, Conchies, and Preſſen. Conchies has been burnt; the enemy were beaten and purſued as far as Famars."

"Four diviſions of Braco drove them from Saten, and took from them 6 cannon, with their horſes.

"About 1 P. M. the firing ceaſed, but it began again in the right wing of the army about 3, and was ſtill continued at ſeven.

"The corps under Gen. Clairfayt are ſtill in purſuit of the enemy. Our loſs is eſtimated at almoſt 200 men. Our chaſſeurs ſuffered greatly and would have been diſperſed, had it not been for the ſupport of the cavalry.

The French have loſt a number of men. Beſides 13 ammunition waggons, we have taken from them 8 pieces of cannon, of which 4 are four pounders, 2 eight pounders, and one a 12 pounder, together with a 14 pound howitzer.

"We wait for more circumſtantial details of this affair."

A very important action took place on the 1ſt inſt. between a part of the combined armies and the French.—On the morning of the 1ſt, the French advanced a conſiderable body of troops againſt the corps of Pruſſians under General Knobleſdorf, occupying the poſt of Maulde, and likewiſe againſt the body of Auſtrians occupying the important poſt before Conde. The relief of that place was evidently the object of the French. They meant by advancing againſt the Pruſſian General, and the advanced corps of the Prince of Saxe Cobourg's army, to keep them in check, while they made their chief attack upon the Auſtrians, under cover of a large wood of which the French were in poſſeſſion. They commenced their attack at five in the morning, and between that and the evening made four different attacks, the laſt of which, the moſt vigorous, commenced at three, and was not over till between ſix and ſeven in the evening. The Auſtrians ſtood all the different attacks with the utmoſt bravery and firmneſs. The greateſt part of them were engaged with muſquetry in the wood. General Knobleſdorf detached ſeveral corps from his poſt to their aſſiſtance, which he could do with greater ſafety, as he was ſupported by two battalions of Britiſh from Tournay. The French were at length completely repulſed, and ſeveral pieces of cannon were taken.

The loſs was conſiderable on both ſides. The French were greatly ſuperior in numbers. They retreated in confuſion to Famars. It was ſuppoſed that the conſequence of this victory on the part of the allies muſt be attended with the fall of Conde.

The Paris letters received yeſterday are dated the 30th ult. They ſtate that the city was perfectly tranquil, and that nothing new had occurred. The triumph of the Jacobins on the acquittal of Marat was unbounded. In Briſſot's journal this acquittal is mentioned as the ruin of France.

The French are ſaid, from very good authority to have ten ſail of the line at ſea.

Accounts have been received from Jerſey, of the date of the 29th ult. It appears that on the 23d, a French fleet, under convoy of three frigates of conſiderable force, ſtood very cloſe in with the iſland, which occaſioned the alarm guns to be fired, and the beacons to be lighted. The French, however, towards the evening ſtood away, without attempting any deſcent. One or two of the French ſhips ſtood ſo cloſe in, as to fire on ſome of the batteries on ſhore.

Arrived at Plymouth the Niger frigate, of 32 guns, commanded by Capt. Kentz.—It is ſaid ſhe had been cruizing off Breſt, and brings intelligence that there are in Breſt water 25 ſail of men of war, beſides frigates and ſloops.

Conde ſtill holds out, but the garriſon is reported to be in ſuch diſtreſs for proviſions, that it muſt ſoon fall. All the heavy artillery and ammunition will be before Mentz by the 5th of May. From that city, the inhabitants, to the amount of 15,000, have been expelled by the French, to prevent a famine. The garriſon has ſtill ſome ſupply of corn left, and a little horſe fleſh, but no eggs nor vegetables. It is provided with wine, which is drank abundantly by the French, who pull to pieces the old houſes for fire-wood. There is no longer any hope of the capitulation of Mentz. An attempt has been made to inundate the French mines near the city.

It is reported, that the Commiſſaries from the National Convention have ordered all the Engliſh merchants reſiding at Dunkirk, to quit that town in leſs that 24 hours from the 1ſt inſtant.

Private letters received at Bruſſels from Nantz, inform that that city has ſurrendered to the victorious arms of the counter-revolutioniſts. The ſame letters announce, that Philip Egalite was carried back to Paris; thoſe who were carrying him to Marſeilles, being afraid of meeting the Marſeilleſe upon the road.

The Empreſs of Ruſſia has taken poſſeſſion of a conſiderable part of Poland. She has attempted a juſtification of her conduct, which has much the ſame truth and juſtice to recommend it as the King of Pruſſia's reaſons for ſeizing on Dantzic.

The King of Poland was given to underſtand by the Ruſſian Miniſter, that unleſs he attended the confederation at Grodno, Prince Louis of Wirtemberg, would be appointed by the Imperial court to ſucceed him on the throne.

Ruſſia, after having divided Poland, we now ſee dictating to Sweden. What may ſhe not be expected to do, as ſoon as the affairs of France are ſettled to the ſatisfaction of the combined powers?

Intelligence is in town from Paris of ſo late a date as the 27th ultimo, when all remained in ſullen tranquility.—The report reſpecting the ſtate of the granaries was, that they contained a ſufficient ſupply of corn for a fortnight. The royal family were ſafe and in health.

Recruiting for the armies continued in the capital; but in the provinces it every where met with oppoſition.

Some ſituations of conſequence on the frontiers, towards Spain, are ſaid to have fallen into the hands of that power.

The combined armies, we do not underſtand, have made any progreſs ſince the laſt accounts received—neither have we heard any thing more of the meditated attack upon Dunkirk.

It appears to be the determination of France in the enſuing campaign to act entirely on the defenſive; thus firmly occupied, it is generally conſidered, that they will be enabled to exhauſt the patience of all their enemies.

By a gentleman arrived in the Eliza, Blynn, at Penzance, from Nantes, from which place ſhe ſailed on the 10th inſt. we have the following important particulars:—The Royaliſts were in great force, which was augmenting every day. They were in poſſeſſion of the whole ſouth bank of the Loire, and part of the north; different actions had taken place with various ſucceſs; but the Royaliſts were in poſſeſſion of Machecoul and the Iſle of Hoedic, near Belliſle, and were ſo daring as to approach the very gates of Nantes in ſmall parties of 20 or 30. They were headed by Gaſton, a bold, determined, enterprizing man.

The preſent commercial diſtreſs certainly does not proceed from any diminution of the actual capital of the country, but merely from the circumſtances of the ſudden check given to the circulation of Paper. This is an evil which will find a certain remedy in time, and mean while the Miniſter with true patriotiſm, does every thing he can to alleviate it.

At the preſent moment of alarm and diſtreſs amongſt the mercantile and manufacturing communities, the Miniſter, with that vigilant attention to the trading interſts of the country which has uniformly marked his adminiſtration, has expreſſed a wiſh to adopt ſome plan that may ſtop the evil now exiſting, and give freſh energy to public credit.

We daily hear of new ſtoppages among perſons, many of whom have ever been conſidered as men of large real property; on a very minute and fair enquiry into the truth of this ſuppoſition, we have the beſt reaſon to believe the fact is ſo; and that a very large proportion of mercantile houſes, which have been lately obliged to ſuſpend their payments, is ſtill ſolvent, and well able to pay every demand in the courſe of time. At Manchester, Liverpool, and other large trading towns, particularly at the former, this fact is well authenticated; but the failures at the country banks have ſtopped the circulation of money ſo ſuddenly, that preſent engagements have not been able to be fulfilled.

FRANCE.

NATIONAL CONVENTION.

APRIL 15.

The Convention were about to proceed to a diſcuſſion on the petition of the 48 ſections of Paris, againſt 22 members of the Convention, when one of the Secretaries read a letter from the commiſſioners on the Northern frontiers, ſtating, that the French troops had been obliged to fall back on the glacis of Valenciennes. They aſcribed this check to the treachery of the 10th regiment of foot chaſſeurs, poſted in the advanced guard, who deſerted on the commencement of the action.

Letter from General DAMPIERRE.

"Valenciennes, April 13.

"The enemy attacked our advanced poſts at this place in different points; they were, however, repulſed with conſiderable loſs. In the advanced guard which I commanded we had much the advantage. I have reſumed the camp of Famars. I cannot beſtow too high praiſes on the courage and ardor of the ſoldiers. I can aſſure you, that in a little time the army will recover that ſuperiority which it loſt only by the treachery of thoſe who commanded it.

(Signed) DAMPIERRE."

Barrere read a manifeſto drawn up by Condorcet, reſpecting the inſult offered to the national repreſentation, in the perſons of the four commiſſioners arreſted by Dumourier.

APRIL 17.

Mauce and Garran de Coulon communicated ſome letters written to them by the commiſſioners Camus and Bancal; which ſtated that they were well; that they had been allowed pens, ink, and paper, and that they were conducted to Maeſtricht by eaſy journeys.

United States.

NEW-YORK, June 25.

Copy of a letter from a gentleman in Wilmington, North-Carolina, to the printer of the Daily Advertiſer, June 16.

"On Thurſday laſt was brought into this port, an Engliſh ſloop called the Providence, from Montego-Bay, James Robertſon, maſter, a prize to the French privateer Le Vainqueur de la Baſtile, Francois Henri Hervieux, commander—ſince when the privater herſelf has arrived.

"It appears that the Vainquer de la Baſtile, late the Hector of Philadelphia, was purchaſed in Charleſton by Capt. Hervieux, an officer in the French navy, who having, through the medium of the Conſul of the French Republic reſiding in Charleſton, procured a commiſſion for his veſſel, armed her, and having cauſed the American papers belonging to the Hector to be depoſited at the Cuſtom-Houſe in Charleſton, ſailed on a cruize.

"That between Cape Fear and Cape Roman, at the diſtance of 4 1-2 leagues from land, he fell in with the Providence, which he captured after having chaſed her ſome time.

"Since Captain Hervieux's arrival, it having been rumoured that a certain Gideon Olmſtead, formerly the owner of the Hector, had acted as an officer on board the French privateer, at the time of the capture of the ſloop, although an American citizen, two magiſtrates of the county, in purſuance (as they ſuppoſed) of the proclamation of the Preſident of the United States, thought proper to iſſue their warrant for apprehending of ſaid Olmſtead—and, upon examination, conceived the evidence to be of a nature, and his caſe and ſituation, ſuch as deſerved to be ſubmitted to the cognizance of the Federal Judiciary. They accordingly cauſed Mr. Olmſtead to enter into a recognizance in the ſum of 200l. for his appearance at the next diſtrict court, to be holden for the diſtrict of North-Carolina, on the firſt Monday in July next.

"Captain Hervieux is acknowledged to have treated his priſoners with unuſual generoſity, nor have they ſince their arrival in the harbor, been at all reſtrained of their liberty.

"The Captain of the Britiſh ſloop taking advantage of this indulgence, availed himſelf of the countenance and ſupport he has received in this town, and by advice of counſel, has inſtituted an action of treſpaſs againſt the commander of the privateer and Mr. Olmſtead, in the ſum of 2000l. upon pretence that the capture was illegal.

"Vexatious as is this ſuit, it will certainly be productive of the moſt ſerious inconvenience to Captain Hervieux, who is ſtill in the cuſtody of the ſheriff, and will probably diſcourage that liberality in others which has prompted his conduct in this circumſtance—ſince, far from releaſing their priſoners in ſpeedy humanity, caution will teach the French cruiſers in future, the neceſſity of confining, at leaſt, their Engliſh captives till they reach the territories of the French republic, or until the chance of war ſhall bring them relief and liberty."

FOR THE GAZETTE.

Mr. FENNO,

AS attempts are making very dangerous to the peace, and it is to be feared not very friendly to the conſtitution of the United States—it becomes the duty of thoſe who wiſh well to both to endeavor to prevent their ſucceſs.

The objections, which have been raiſed againſt the proclamation of neutrality lately iſſued by the Preſident, have been urged in a ſpirit of acrimony and invective, which demonſtrates that more was in view than merely a free diſcuſſion of an important public meaſure; that the diſcuſſion covers a deſign of weakening the confidence of the people in the author of the meaſure, in order to remove or leſſen a powerful obſtacle to the ſucceſs of an oppoſition to the government, which however it may change its form, according to circumſtances, ſeems ſtill to be adhered to and purſued with perſevering induſtry.

This reflection adds to the motives connected with the meaſure itſelf to recommend endeavors, by proper explanations, to place it in a juſt light. Such explanations at leaſt cannot but be ſatisfactory to thoſe who may not have leiſure or opportunity for purſuing themſelves an inveſtigation of the ſubject, and who may wiſh to perceive, that the policy of the government is not inconſiſtent with its obligations or its honor.

The objections in queſtion fall under four heads:

1. That the proclamation was without authority.

2. That it was contrary to our treaties with France.

3 That it was contrary to the gratitude, which is due from this to that country, for the ſuccours rendered us in our own revolution.

4. That it was out of time and unneceſſary.

In order to judge of the ſolidity of the firſt of theſe objections, it is neceſſary to examine, what is the nature and deſign of a proclamation of neutrality.

The true nature and deſign of ſuch an act is—to *make known* to the powers at war and to the citizens of the country, whoſe government does the act, that ſuch country is in the condition of a nation at peace with the belligerent parties, and under no obligations of treaty, to become an *aſſociate in the war* with either of them that this being its ſituation, its intention is to obſerve a conduct conformable with it, and to perform towards each the duties of neutrality; and as a conſequence

of this ſtate of things, to give warning to all within its juriſdiction to abſtain from acts that ſhall contravene thoſe duties, under the penalties which the laws of the land (of which the law of nations is a part) annexes to acts of contravention.

This, and no more is conceived to be the true import of a proclamation of neutrality.

It does not imply, that the nation which makes the declaration will forbear to perform to any of the warring powers, any ſtipulations in treaties which can be performed, without rendering it an *aſſociate* or *party* in the war. It therefore does not imply in our caſe, that the United States will not make thoſe diſtinctions, between the preſent belligerent powers, which are ſtipulated in the ſeventh and twenty-ſecond articles of our treaty with France; becauſe theſe diſtinctions are not incompatible with a ſtate of neutrality: they will in no ſhape render the United States, an *aſſociate* or *party* in the war. This muſt be evident, when it is conſidered, that even to furniſh *determinate* ſuccours of a certain number of ſhips or troops, to a power at war, in conſequence of *antecedent treaties having no particular reference to the exiſting war*, is not inconſiſtent with neutrality; a poſition well eſtabliſhed by the doctrines of writers, and the practice of nations.*

But no ſpecial aids, ſuccours, or favors having relation to war, not poſitively and preciſely ſtipulated by ſome treaty of the above deſcription, can be afforded to either party, without a breach of neutrality.

In ſtating that the proclamation of neutrality does not imply the non-performance of any ſtipulations of treaties, which are not of a nature to make the nation an aſſociate or party in the war, it is conceded, that an execution of the clauſe of guarantee contained in the eleventh article of our treaty of alliance with France would be contrary to the ſenſe and ſpirit of the proclamation; becauſe it would engage us with our whole force as an *aſſociate*, or *auxiliary* in the war; it would be much more than the caſe of a definite limited ſuccour, previouſly aſcertained.

It follows, that the proclamation is virtually a manifeſtation of the ſenſe of the government, that the United States are, *under the circumſtances of the caſe, not bound* to execute the clauſe of guarantee.

If this be a juſt view of the force and import of the proclamation, it will remain to ſee, whether the Preſident in iſſuing it acted within his proper ſphere, or ſtepped beyond the bounds of his conſtitutional authority and duty.

It will not be diſputed that the management of the affairs of this country with foreign nations, is confided to the government of the United States.

It can as little be diſputed, that a proclamation of neutrality, when a nation is at liberty to keep out of a war in which other nations are engaged, and means ſo to do, is a *uſual* and a *proper* meaſure. *Its main object and effect are to prevent the nation being immediately reſponſible for acts done by its citizens, without the privity or connivance of the government in contravention of the principles of neutrality.*†

An object this of the greateſt importance to a country, whoſe true intereſt lies in the preſervation of peace.

The inquiry then is, What department of the government of the United States is the proper one to make a declaration of neutrality in the caſes in which the engagements of the nation permit, and its intereſts require ſuch a declaration.

A correct and well informed mind will diſcern at once, that it can belong neither to the legiſlative, nor judicial department, and of courſe muſt belong to the executive.

The legiſlative department is not the *organ* of intercourſe between the United States and foreign nations. It is charged neither with *making*, nor *interpreting* treaties. It is therefore not naturally that organ of the government, which is to pronounce the exiſting condition of the nation, with regard to foreign powers, or to admoniſh the citizens of their obligations and duties as founded upon that condition of things; ſtill leſs is it charged with enforcing the execution and obſervance of thoſe obligations and thoſe duties.

It is equally obvious, that the act in queſtion is foreign to the judiciary department of the government. The province of that department is to decide litigations in particular caſes. It is indeed charged with the interpretation of treaties, but it exerciſes this function only in the litigated caſes, that is where contending parties bring before it a ſpecific controverſy. It has no concern with pronouncing upon the external political relations of treaties between government and government. This poſition is too plain to need being inſiſted upon.

It muſt then of neceſſity belong to the executive department to exerciſe the function in queſtion, when a proper caſe for the exerciſe of it occurs.

It appears to be connected with that department in various capacities—As the *organ* of intercourſe between the nation and foreign nations—as the *interpreter* of the national treaties in thoſe caſes in which the judiciary is not competent, that is, in the caſes between government and government—as that *power* which is charged with the execution of the laws, of which treaties form a part—as that power which is charged with the command and application of the public force.

This view of the ſubject is ſo natural and obvious, ſo analogous to general theory and practice, that no doubt can be entertained of its juſtneſs, unleſs ſuch doubt can be deduced from particular proviſions of the conſtitution of the United States.

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* *See Vatel, Book III. Ch. 6. Sec. 101.*

† *See Vatel Book III. Chap. 7. Sec. 113.*

Let us ſee then if cauſe for ſuch doubt is to be found in that conſtitution.

The ſecond article of the conſtitution of the United States, ſection firſt, eſtabliſhes this general propoſition, that "the EXECUTIVE power ſhall be veſted in a Preſident of the United States of America."

The ſame article in a ſucceeding ſection proceeds to delineate particular caſes of executive power. It declares among other things, that the Preſident ſhall be commander in chief of the army and navy of the United States, and of the militia of the ſeveral ſtates, when called into the actual ſervice of the United States; that he ſhall have power, by and with the advice and conſent of the Senate, to make treaties; that it ſhall be his duty to receive ambaſſadors and other public miniſters, *and to take care that the laws be faithfully executed.*

It would not conſiſt with the rules of ſound conſtruction to conſider this enumeration of particular authorities as derogating from the more comprehenſive grant contained in the general clauſe, further than as it may be coupled with expreſs reſtrictions or qualifications; as in regard to the co-operation of the Senate in the appointment of officers and the making of treaties; which are qualifications of the general executive powers of appointing officers and making treaties: becauſe the difficulty of a complete and perfect ſpecification of all the caſes of executive authority, would naturally dictate the uſe of general terms, and would render it improbable that a ſpecification of certain particulars was deſigned as a ſubſtitute for thoſe terms, when antecedently uſed. The different mode of expreſſion employed in the conſtitution in regard to the two powers, the legiſlative and the executive, ſerves to confirm this inference. In the article which grants the legiſlative powers of the government, the expreſſions are, "*All legiſlative powers herein granted, ſhall be veſted in a Congreſs of the United States.*" In that which grants the executive power, the expreſſions are, as already quoted, "The EXECUTIVE POWER ſhall be veſted in a Preſident of the United States of America."

The enumeration ought rather therefore to be conſidered as intended by way of greater caution, to ſpecify and regulate the principal articles implied in the definition of executive power: leaving the reſt to flow from the general grant of that power, interpreted in conformity to other parts of the conſtitution, and to the principles of free government.

The general doctrine of our conſtitution then is, that the EXECUTIVE POWER of the Nation is veſted in the Preſident; ſubject only to the *exceptions* and *qualifications* which are expreſſed in the inſtrument.

Two of theſe have been already noticed—the participation of the Senate in the appointment of officers, and the making of treaties. A third remains to be mentioned—the right of the legiſlature "to declare war & grant letters of marque and repriſal."

With theſe exceptions the EXECUTIVE POWER of the Union is completely lodged in the Preſident. This mode of conſtruing the conſtitution has indeed been recognized by Congreſs in formal acts, upon full conſideration and debate. The power of removal from office is an important inſtance. And ſince upon general principles, for reaſons already given, the iſſuing of a proclamation of neutrality is merely an executive act; ſince alſo the general executive power of the Union is veſted in the Preſident, the concluſion is, that the ſtep which has been taken by him, is liable to no juſt exception on the ſcore of authority.

It may be obſerved that this inference would be juſt, if the power of declaring war had not been veſted in the legiſlature, but that this power naturally includes the right of judging, whether the nation is under obligations to make war or not.

The anſwer to this is, that however true it may be, that the right of the legiſlature to declare war, includes the right of judging whether the nation be under obligations to make war or not, it will not follow, that the executive is in any caſe excluded from a ſimilar right of judgment in the execution of its own functions.

If the legiſlature have a right to make war on the one hand, it is, on the other, the duty of the executive to preſerve peace till war is declared; and in fulfilling that duty, it muſt neceſſarily poſſeſs a right of judging what is the nature of the obligations which the treaties of the country impoſe on the government; and when in purſuance of this right it has concluded, that there is nothing in them inconſiſtent with a ſtate of neutrality, it becomes both its province and its duty to enforce the laws incident to that ſtate of the nation. The executive is charged with the execution of all laws, the laws of nations as well as the municipal law, which recognizes and adopts thoſe laws. It is conſequently bound, by faithfully executing the laws of neutrality, when that is the ſtate of the nation, to avoid giving a cauſe of war to foreign powers.

This is the direct and proper end of the proclamation of neutrality— It declares to the United States their ſituation with regard to the powers at war, and makes known to the community, that the laws incident to that ſituation will be enforced. In doing this, it conforms to an eſtabliſhed uſage of nations, the operation of which, as before remarked, is to obviate a reſponſibility on the part of the whole ſociety, for ſecret and unknown violations of the rights of any of the warring parties by its citizens.

Thoſe who object to the proclamation will readily admit, that it is the right and duty of the executive to judge of, or to interpret, thoſe articles of our treaties which give to France particular privileges, in order to the enforcement of thoſe privileges: But the neceſſary conſequence of this is, that the executive muſt judge what are the proper bounds of thoſe privileges—what rights are given to other nations by our treaties with them—what rights the law of nature and nations gives and our treaties permit, in reſpect to thoſe nations with whom we have no treaties; in fine, what are the reciprocal rights and obligations of the United States, and of all and each of the powers at war.

The right of the executive to receive ambaſſadors and other public miniſters, may ſerve to illuſtrate the relative duties of the executive and legiſlative departments. This right includes that of judging, in the caſe of a revolution of government in a foreign country, whether the new rulers are competent organs of the national will, and ought to be recognized or not: And where a treaty antecedently exiſts between the United States and ſuch nation, that right involves the power of giving operation, or not, to ſuch treaty. For until the new government is *acknowledged*, the treaties between the nations, as far at leaſt as regards *public* rights, are of courſe ſuſpended.

This power of determining virtually in the caſe ſuppoſed upon the operation of national treaties, as a conſequence of the power to receive ambaſſadors and other public miniſters, is an important inſtance of the right of the executive to decide the obligations of the nation with regard to foreign nations. To apply it to the caſe of France, if there had been a treaty of alliance *offenſive* and defenſive between the United States and that country, the unqualified acknowledgment of the new government would have put the United States in a condition to become an aſſociate in the war in which France was engaged—and would have laid the legiſlature under an obligation if required, and there was otherwiſe no valid excuſe, of exerciſing its power of declaring war.

This ſerves as an example of the right of the executive, in certain caſes, to determine the condition of the nation, though it may conſequentially affect the proper or improper exerciſe of the power of the legiſlature to declare war. The executive indeed cannot controul the exerciſe of that power further than by its exerciſe of its general right of objecting to all acts of the legiſlature; liable to being overruled by two-thirds of both houſes of Congreſs. The legiſlature is free to perform its own duties according to its own ſenſe of them; though the executive in the exerciſe of its conſtitutional powers, may eſtabliſh an antecedent ſtate of things, which ought to weigh in the legiſlative deciſions.

From the diviſion of the executive power, there reſults, in reference to it, a *concurrent* authority in the diſtributed caſes.

Hence in the caſe ſtated, though treaties can only be made by the Preſident and Senate, their activity may be continued or ſuſpended by the Preſident alone.

No objection has been made to the Preſident's having acknowledged the Republic of France, by the reception of its miniſter, without having conſulted the Senate; though that body is connected with him in the making of treaties, and though the conſequence of his act of reception is to give operation to the treaties heretofore made with that country. But he is cenſured for having declared the United States to be in a ſtate of peace and neutrality with regard to the powers at war; becauſe the right of *changing* that ſtate and *declaring war* belongs to the legiſlature.

It deſerves to be remarked, that as the participation of the Senate in the making of treaties, and the power of the legiſlature to declare war, are exceptions out of the general "executive power" veſted in the Preſident, they are to be conſtrued ſtrictly, and ought to be extended no further than is eſſential to their execution.

While therefore the legiſlature can alone declare war, can alone actually transfer the nation from a ſtate of peace to a ſtate of war—it belongs to the "executive power" to do whatever elſe the laws of nations, co-operating with the treaties of the country, enjoin in the intercourſe of the United States with foreign powers.

In this diſtribution of powers, the wiſdom of our conſtitution is manifeſted. It is the province and duty of the executive to preſerve to the nation the bleſſings of peace. The legiſlature alone can interrupt thoſe bleſſings, by placing the nation in a ſtate of war.

But though it has been thought adviſeable to vindicate the authority of the executive on this broad and comprehenſive ground, it was not abſolutely neceſſary to do ſo. That clauſe of the conſtitution which makes it his duty to "take care that the laws be faithfully executed," might alone have been relied upon, and this ſimple proceſs of argument purſued.

The Preſident is the conſtitutional EXECUTOR of the laws. Our treaties and the laws of nations form a part of the law of the land. He who is to execute the laws, muſt firſt judge for himſelf of their meaning. In order to the obſervance of that conduct which the laws of nations, combined with our treaties, preſcribed to this country, in reference to the preſent war in Europe, it was neceſſary for the Preſident to judge for himſelf, whether there was any thing in our treaties incompatible with an adherence to neutrality. Having judged that there was not, he had a right, and if in his opinion the intereſts of the nation required it, it was his duty as executor of the laws, to proclaim the neutrality of the nation, to exhort all perſons to obſerve it, and to warn them of the penalties which would attend its non-obſervance.

The proclamation has been repreſented as enacting ſome new law. This is a view of it entirely erroneous. It only proclaims a *fact* with regard to the *exiſting ſtate* of the nation, informs the citizens of what the laws previouſly eſtabliſhed require of them in that ſtate, and warns them that theſe laws will be put in execution againſt the infractors of them.

PACIFICUS.

Philadelphia, June 29.

Abſtract of further European News.

Seven thouſand Engliſh troops have arrived at Oſtend—It is expected that Dunkirk will be attacked—The extent of territory which his Majeſty the King of Pruſſia has acquired in Poland, is eſtimated at 1000 ſquare leagues; with a population of twelve or thirteen hundred thouſand ſouls—The Poliſh Noblemen at Vienna are ſet out to pay homage to the Empreſs and the King of Pruſſia—It is reported that the French miniſtry are taking meaſures to detach Great-Britain from the general combination of powers—A Spaniſh ſhip, the N. S. de la Conception, from Vera Cruz, taken by the French privateer Dumourier, is retaken by the Achilles privateer of Weymouth, and carried into Baltimore, in Ireland—this is another Regiſter Ship, which was taken in company with that re-captured by the Phæton Frigate—The bank of England diſcounted in one day, bills to the amount of twelve hundred thouſand pounds—The Iriſh Catholic convention have voted an addreſs of thanks to the King, acknowledging their gratitude for his generous recommendation, by which they have received ſubſtantial benefits from the wiſdom and liberality of Parliament—alſo an addreſs to the Lord Lieutenant—they alſo voted 2000l. for a pedeſtrian ſtatue of the King, and donations to ſundry of their friends—After exhorting their brethren to join in every conſtitutional mode of promoting a Parliamentary reform, they concluded by declaring that they now look upon themſelves as freemen—and then diſſolved the convention.

The Cuſtom Houſe Revenues (ſays an Iriſh paper) of the port of London have fallen in the month ending the 25th April, fifty per cent! The communication between France and Oſtend was wholly ſtopped the 5th May. The French in their late attack on the Auſtrian lines made great Havoc in the Prince de Ligne's Regiment. The Engliſh and Hanoverian troops under the command of the Duke of York it appears have been in ſome of the late engagements with the French.—A number of valuable captures have lately been made by the French privateers from the Engliſh and Dutch. On a motion for receiving a petition from the town of Birmingham reſpecting a Parliamentary reform, Mr. Pitt was in the majority for receiving the ſame.

The partitioning of Poland by the Empreſs and King of Pruſſia is a meaſure that meets with general execration.

The Snow Pallas, Capt. Avery, arrived at New-York laſt Monday afternoon, from London. Advices by this veſſel are to the 9th of May.

The May Packet is alſo arrived at New-York, from Falmouth, but brings no intelligence later than has been already publiſhed.

The Ship Laurens of Charleſton, South-Carolina, bound to London, was taken by a French privateer and carried into Havre-de-Grace, on ſuſpicion of having Britiſh property on board. The caſe of this veſſel having been inveſtigated by the Court of Commerce at Havre, it was decreed that the ſhip ſhould be reſtored to her Captain and owners—and the owners and Captain of the privateer was condemned to pay all damages.

Governor Moultrie of South-Carolina, has iſſued a proclamation, prohibiting all veſſels from the windward Iſlands from immediately proceeding to the city of Charleſton, or until they have been previouſly examined; this order is in conſequence of information received that a peſtilential diſeaſe has lately been prevalent in Grenada and other Weſt-India iſlands to windward.

Preparations are making in almoſt all parts of the United States for a ſplendid celebration of the great American Anniverſary, the 4th July—

Hail the day! its triumphs tell,
Then the pow'r of Deſpots fell—
Raiſe to ſeraph ſtrains the lay,
This is Freedom's Holiday!

The militia guard which had been put on board the prize ſhip William, was on Tueſday laſt removed, and the veſſel delivered up to the captors—the Preſident of the United States having, it is ſaid, previouſly decided the queſtion relative to her capture.

A French merchant ſhip, mounting 4 cannon, 4 ſwivels and 2 blunderbuſſes, is arrived at Baltimore, after having beat off an Engliſh privateer ſloop mounting 10 or 12 guns.

By recent information from the Southward, it appears that only four towns of the Creek nation are hoſtile to the United States. In the demolition of theſe towns, the Creek Chiefs ſay they are ready to co-operate with the whites.

The old American Company of Comedians, are arrived in town from New-York, we hear, the Theatre is to be opened the beginning of next week.

Extract of a letter from a Captain of a veſſel at Falmouth, dated April 28.

"There is a very hot preſs here but not a man taken from any of the American veſſels."

An India paper of the 29th Dec. printed at Calcutta—contains a melancholy account of the fate of Mr. Munro—only ſon of Sir Hector Munro—who loſt his life by a Tyger.—Mr. Munro and ſome others had landed on Cox's Iſland to divert themſelves with ſhooting deer—having fatigued themſelves, at half paſt 3, P. M. they ſat down on the edge of a jungle or thicket, to eat ſome cold meat—when a royal Tyger ſprung on them from the buſhes, ſeized Mr. Munro, who happened to be ſitting down, by the head, and ran off with him as eaſily as a dog would with a kitten.—Three ſhot were fired which wounded the beaſt, who dropped his prey, but ſo horribly mangled that he died in great agonies 24 hours after. The Tyger was ſuppoſed to be 9 feet long and about 4½ feet high.

By an Act of Congreſs, paſſed at the laſt ſeſſion, the Gold Coins of England and Portugal, are to paſs at the ſame rate as at preſent, after the firſt of July—that is, 89 cents the pennyweight. But the Gold Coins of France and Spain, and the dominions of Spain, will from that period paſs at the rate of 87 cents the pennyweight.

Married, at Shirley, Virginia, his Excellency HENRY LEE, to Miſs ANN CARTER, daughter of CHARLES CARTER, Eſq.

ARRIVED *at the* PORT *of* PHILADELPHIA.

Ship Fame,	Blunt,	New-Hampſhire
Brig Houlbrooke,	Hughes,	Gibraltar
Charlotte,	Pride,	Liverpool
Schr. Recovery,	Forteſcue,	Trinidada
Two Siſters,	Poſt,	New-Providence
Alexandria,	Norris,	Cape-Francois
Sloop Freedom,	Cooper,	St. Croix

PRICE OF STOCKS.

6 per Cents,		17/7
3 per Cents,		9/10
Deferred,		10/2
Full ſhares Bank U. S.	5	per cent. adv.

TREASURY DEPARTMENT, June 26, 1793.

NOTICE is hereby given, that propoſals will be received at the office of the Secretary of the Treaſury, until the fourteenth day of September next inclusively, for the ſupply of all Rations which may be required for the uſe of the United States, from the firſt day of January to the thirty-firſt day of December 1794, both days inclusive, at the places, and within the diſtricts hereafter mentioned, viz.

1. At any place or places betwixt York-Town and Carliſle, in the ſtate of Pennſylvania, and Pittſburgh, & at Pittſburgh, York-town & Carliſle.

2. At any place or places from Pittſburgh to the mouth of Big Beaver Creek, and at the mouth of Big Beaver Creek.

3. At any place or places from the ſaid mouth to the upper falls of the ſaid Big Beaver, and at the upper falls.

4. At any place or places from the ſaid upper falls to Mahoning, and at Mahoning.

5. At any place or places from the ſaid Mahoning over to the Head Navigation of the river Cayahoga, and at the ſaid Head Navigation.

6. At any place or places from the ſaid Head Navigation to the mouth of the ſaid river Cayahoga, and at the ſaid mouth.

7. At any place or places betwixt the mouth of the Big Beaver Creek, to the mouth of the river Muſkingum, and up the ſaid river to the Tuſcarowas, and at the Tuſcarowas, and thence over to the Cayahoga river, and thence down the ſaid river to its mouth.

8. At any place or places betwixt the mouth of the river Muſkingum and the mouth of the Scioto river, and at the mouth of the ſaid river Scioto.

9. At any place or places betwixt the mouth of Scioto river & the mouth of the Great Miami, at the mouth of the Great Miami, and from thence to the rapids or the falls of the Ohio, and at the ſaid rapids.

10. At any place or places betwixt the mouth of the Great Miami, up the ſaid Miami to and at Pique Town.

11. At any place or places from Fort Waſhington to Fort Hamilton, and at Fort Hamilton At any place or places from Fort Hamilton to Fort St. Clair, and at Fort St. Clair.

12. At any place or places from Fort St. Clair to Fort Jefferſon, and at Fort Jefferſon.

13. At any place or places from Fort Jefferſon to the field of action of the 4th of November, 1791, and at the ſaid field of action.

14. At any place or places from the ſaid field of action to the Miami Villages, and at the Miami Villages.

15. At any place or places from the ſaid Miami Villages to the falls of the Miami river, which empties into Lake Erie, and at the ſaid falls, and from thence to its mouth, and at its mouth.

16. At any place or places from the mouth of the ſaid Miami river of Lake Erie to Sanduſky Lake, and at Sanduſky Lake.

17. At any place or places from the ſaid Sanduſky Lake, to the mouth of the river Cayahoga.

18. At any place or places from the mouth of the ſaid river Cayahoga to Preſque Iſle, and at Preſque Iſle.

19 At any place or places from Preſque Iſle to the ſtream running into Lake Erie from towards the Jadaghque Lake, and thence over to and at the ſaid Jadaghque Lake, and thence down the Alleghany river to Fort Franklin.

20. At any place or places from Preſque Iſle to Le Beuf, and at Le Beuf.

21. At any place or places from Le Beuf to Fort Franklin, and at Fort Franklin, and from thence to Pittſburgh.

22. At any place or places from the rapids of the Ohio to the mouth of the Wabaſh river, and from the mouth of the ſaid Wabaſh river to the mouth of the river Ohio.

23. At any place or places on the Eaſt ſide of the river Miſſiſſippi, from the mouth of the Ohio river, to the mouth of the Illinois river.

24. At any place or places from the mouth of the ſaid Wabaſh river up to Fort Knox, and at Fort Knox.

25. At any place or places from Fort Knox up the ſaid Wabaſh to Ouittanon, and at Ouittanon.

26. At any place or places from Ouittanon, up the ſaid Wabaſh, to the head navigation of a branch thereof called Little River, and at the ſaid head navigation of Little River.

27. At any place or places from the ſaid head navigation of Little River over to the Miami Village.

28. At any place or places from the mouth of the river Teneſſee to Occochappo or Bear Creek, on the ſaid river, inclusively.

29. At any place or places from the mouth of the river Cumberland to Naſhville, on the ſaid river, and at Naſhville..

30. And at any place or places within thirty miles of ſaid Naſhville to the Southward, Weſtward or Northward thereof.

Should any rations be required at any places, or within other diſtricts, not ſpecified in theſe propoſals, the price of the ſame to be hereafter agreed on betwixt the public and the contractor.

The rations to be ſupplied are to conſiſt of the following articles, viz.

One pound of bread or flour,
One pound of beef, or ¾ of a pound of pork,
One quart of ſalt,
Mwo quarts of vinegar,
Two pounds of ſoap,
One pound of candles,
} per 100 rations.

The rations are to be furniſhed in ſuch quantities as that there ſhall at all times, during the ſaid term, be ſufficient for the conſumption of the troops at each of the ſaid poſts, for the ſpace of at leaſt 3 months in advance, in good and wholeſome proviſions, if the ſame ſhall be required.

It is to be underſtood in each caſe, that all loſſes ſuſtained by the depredations of the enemy, or by means of the troops of the United States, ſhall be paid for at the prices of the articles captured or deſtroyed, on the depoſitions of two or more creditable characters, and the certificate of a commiſſioned officer, aſcertaining the circumſtances of the loſs, and the amount of the articles for which compenſation is claimed.

The contract for the above ſupplies will be made either for *one* year, or for *two* years, as may appear eligible. Perſons diſpoſed to contract will therefore confine their offers to one year, or they may make their propoſitions ſo as to admit an election of the term of two years.

The offers may compriſe all the places which have been ſpecified, or a part of them only.

Hercule De Sercey,

From Leogane, Iſland of St. Domingo,

MAKES and ſells all ſorts of Mugs, Jacks, Porringers, Cups, Stew-Pans, Lamps, &c. in Tin, plain or japanned—He alſo mends old tin work. As he works cheap, he hopes for the public encouragement.

No. 23, Race-ſtreet, near Front-ſtreet.
June 22.

HERCULE DE SERCEY,

DE Leogane, Iſle de St. Dominque, travaille en fer Blanc, de toute ſorte de manieres a commande et a bon marche.

A Philadelphie, ce 22 Juin, 1793.
No. 23, Race-ſtreet, pres Front-ſtreet.

FOR SALE, BY
MATHEW CAREY,
At his Store, No. 118, Market-ſtreet,
PHILADELPHIA,

THE AMERICAN MUSEUM, from its commencement in January, 1787, to its termination in December, 1792, in twelve volumes, price, neatly bound and lettered, nineteen dollars and one fifth.

The opinion of the Preſident of the United States, reſpecting this work, is as follows:

"I believe the American Muſeum has met with extenſive, I may ſay, with univerſal approbation from competent judges; for I am of opinion, that the work is not only eminently calculated to diſſeminate political, agricultural, philoſophical, and other valuable information; but that it has been *uniformly conducted with taſte, attention, and propriety.* If to theſe important objects be ſuperadded the more immediate deſign of reſcuing public documents from oblivion—I will venture to pronounce, as my ſentiment, THAT A MORE USEFUL LITERARY PLAN HAS NEVER BEEN UNDERTAKEN IN AMERICA, OR ONE MORE DESERVING OF PUBLIC ENCOURAGEMENT."

June 5.

JUST PUBLISHED,
By Thomas Dobſon,
Bookſeller, at the Stone-Houſe, in Second ſtreet,
PHILADELPHIA,
VOLUME IX, OF
ENCYCLOPÆDIA:
OR, A DICTIONARY OF ARTS, SCIENCES, AND MISCELLANEOUS LITERATURE,
On a Plan entirely new:
BY WHICH
THE DIFFERENT SCIENCES AND ARTS
are digeſted into the Form of Diſtinct,
TREATISES OR SYSTEMS:
THIS VOLUME CONTAINS

HYDROSTATICS, Hygrometer, Hiſtory of Japan, Iceland, Jeruſalem, Jews, India, Inſects, Inſurance, Ireland, Italy, Kamſchatka, Knighthood, Language, Law, Legerdemain, with a great variety of Biographical and Miſcellaneous Articles.—Illuſtrated with thirty-one elegant Copperplates.

CONDITIONS.

I. The work is printing on a ſuperfine paper, and new types, (caſt for the purpoſe) which will be occaſionally renewed before they contract a worn appearance.

II. The work is furniſhed in boards, in volumes or half-volumes, as ſubſcribers chuſe; the price of the whole volumes, five dollars each, of the half-volumes two dollars and two-thirds of a dollar each. Ten dollars to be paid on ſubſcribing, the volumes or half-volumes finiſhed to be paid for when delivered, the price of one volume to be paid in advance, and the price of each ſucceeding volume to be paid on delivering the volume preceding it. No part of the work will be delivered unleſs paid for.

III. In the courſe of the publication will be delivered about five hundred copperplates elegantly engraved in Philadelphia; which by far exceed in number thoſe given in any other ſcientific dictionary. At the cloſe of the publication will be delivered an elegant frontiſpiece, the dedication, preface, and proper title pages for the different volumes,

It is expected the work will be compriſed in about eighteen volumes in quarto.

The ſubſcription will continue open on the above terms till the firſt day of September next, to give opportunity to thoſe who are not yet ſubſcribers, to come forward.

Thoſe who have ſubſcribed, and got only a ſmall part of the work, are requeſted to complete their ſetts, as far as publiſhed, as ſoon as poſſible, as after the firſt of next September, by which time the tenth volume is expected to be ready, the publiſher will not conſider himſelf bound to make up thoſe ſetts which are not completed up to that period.

Philadelphia, June 19, 1793.

Albany Glaſs-Houſe.

The Proprietors *of the* Glaſs-Manufactory, under the Firm of
M'CLALLEN, M'GREGOR *and* Co.

BEG leave to inform the public, that they have now brought their WINDOW-GLASS to ſuch perfection, as will be found, on compariſon, to be equal, in quality, to the beſt London Crown Glaſs.

Having fixed their prices at a lower rate than *imported* Glaſs, they are induced to believe, that importations of this article will be diſcontinued, in proportion as their works are extended.—They propoſe to enlarge the ſcale of this buſineſs, and as the ſucceſs of it will depend on the patriotic ſupport of the public, they beg leave to ſolicit their friendly patronage in the purſuit of a branch which will intereſt every lover of AMERICAN MANUFACTURES.

All orders for WINDOW-GLASS, of any ſize, will be received at the Store of RHODES and MACGREGOR, No. 234, Queen-ſtreet, New York, and at the Glaſs Warehouſe, No. 48 Market-ſtreet, Albany, which will be punctually attended to.

☞ WANTED, ſix ſmart active LADS, not exceeding 16 years of age, to be indented as Apprentices, and regularly inſtructed in the various branches of Glaſs-Making.

Alſo, three Window-Glaſs Makers, to whom great encouragement will be given.

May 1, 1793. ep12w

THE MEMBERS OF THE
INSURANCE COMPANY OF NORTH AMERICA,
Are deſired to take Notice,

THAT the Conſtitution requires Payment of *One Dollar* on each Share, on the Second Monday (the 8th Day) of July next, on Penalty of Forfeiture of the Money already paid.

Such Stockholders as have not made their ſecond Inſtalment, are informed, that Payment will be received at the Company's Office, No. 119, South Front-Street, either on or before the ſaid Day, as they may find it moſt convenient.

EBENEZER HAZARD, *Sec'ry.*
June 8. 1793. ct8j.

FOR SALE,
1360 *Acres of excellent*
FARMING or TOBACCO
LANDS,

LYING in the county of Amherſt, in the ſtate of Virginia, on one of the principal branches of James-River, within ſix miles of the latter, from whence it is navigable for boats of ten or twelve tons burthen.

Beſides the advantages of theſe lands, for the farmer or cultivator of tobacco, they are ſuppoſed, from a ſmall though ſucceſsful experiment made by the late Col. Chiſwell, to contain an abundance of metals, which, if not of a *precious* (as has been *even* ſuppoſed) are certainly of a very valuable kind. The better however to aſcertain this fact, and place the purchaſer on a ſafe footing, in ſo hazardous a buſineſs, as all thoſe ſubterraneous reſearches, without the utmoſt certainty of an abundance of the deſired ore, are ſuppoſed to be, every reaſonable and neceſſary aſſiſtance or indulgence will be rendered thoſe inclined to make the experiment, as well as every other neceſſary information given by the printer of this Gazette in Philadelphia, or

JOHN NICHOLAS.

Charlotteſville, Virginia.

Stock Brokers Office,

No. 16, Wall-ſtreet, NEW-YORK.

THE Subſcriber intending to confine himſelf entirely to the PURCHASE & SALE OF STOCKS on COMMISSION, begs leave to offer his ſervices to his friends and others, in the line of a Stock Broker. Thoſe who may pleaſe to favor him with their buſineſs, may depend upon having it tranſacted with the utmoſt fidelity and diſpatch.

Orders from Philadelphia, Boſton, or any other part of the United States, will be ſtrictly attended to.

(t.f.) LEONARD BLEECKER.

NOTICE.

THE STOCKHOLDERS in the SOCIETY for ESTABLISHING USEFUL MANUFACTURES, are requeſted to take notice, that the fourth and laſt payment is due, and muſt be made on or before the 18th day of July next, either to the Caſhier of the United States Bank Office of Diſcount and Depoſit at New-York—the Caſhier of the Bank of New-York—the Caſhier of the Bank of the United States in Philadelphia—or John Bayard, Eſq. in the city of New-Brunſwick, in the ſtate of New-Jerſey.—And that the ſhares of all perſons neglecting to make ſuch payment, and the monies by them previouſly paid, will then be forfeited for the common benefit of the ſaid ſociety.

That the ſubſcriber is duly authorized to make the requiſite indorſements upon the certificates of ſhares, and that books of tranſfer are opened at his office in Front-ſtreet.

NICHOLAS LOW.

New-York, June 12, 1793. (ep13t)

GENERAL POST-OFFICE,
Philadelphia, May 27, 1793.

500 Dollars Reward.

WHEREAS a certain THOMAS SLOSS GANTT, has lately made his eſcape from Baltimore County Gaol, to which he was committed under a charge of having robbed the Eaſtern Mail, on the 28th day of January laſt: Notice is hereby given, that a reward of five hundred dollars will be paid at this Office, to any perſon or perſons who ſhall apprehend the ſaid *Thomas Sloſs Gantt*, and deliver him into the cuſtody of the keeper of the ſaid Gaol, or into the cuſtody of either of the Marſhals within the United States, ſo that the ſaid *Thomas Sloſs Gantt* may be effectually ſecured, and forth coming to anſwer the above mentioned charge.

TIMOTHY PICKERING,
Poſt-Maſter General.

The following is a deſcription of the abovenamed THOMAS SLOSS GANTT: He is about ſix feet high, ſtrait and well made, has light coloured hair, tied behind, fair complexion and has a down look when ſpoken to.

City of Waſhington.

JANUARY 7th, 1793.

A NUMBER of Lots in this City will be offered for ſale at auction, by the Commiſſioners, on the 17th day of September next.—One fourth part of the purchaſe money is to be paid down, the reſidue at three equal annual payments with yearly intereſt on the whole principal unpaid.

JOHN M. GANTT, *Clerk to the Com'rs.*

Extract of an Act of the General Aſſembly of Maryland, concerning the Territory of Columbia, and the City of Waſhington.

"Be it enacted, *That any foreigner may by deed or will, hereafter to be made, take and hold lands within that part of the ſaid Territory which lies within this State, in the ſame manner as if he was a citizen of this State; and the ſame lands may be conveyed by him, and tranſmitted to and be inherited by his heirs or relations, as if he and they were citizens of this State:* Provided, *That no foreigner ſhall, in virtue hereof, be entitled to any further or other privilege of a citizen.*"

Jan. 19. tf

TICKETS
In the FEDERAL CITY LOTTERY,
May be had at SAMUEL COOPER's Ferry.

THE EDITOR

MOST earneſtly requeſts thoſe of his diſtant Subſcribers who are in arrears for the Gazette, *to make payment as ſoon as poſſible.—Thoſe perſons who have received ſubſcription money on his account are deſired to remit the ſame. The arrearages for the Gazette have accumulated to a ſerious amount—Serious, as they are the only reſource to diſcharge very ſerious engagements incurred in the proſecution of this expenſive publication.* Philadelphia, June 26.

CIRCULAR LETTER,
OF THE
HISTORICAL SOCIETY,
Reſpectfully addreſſed to every Gentleman of Science in the Continent and Iſlands of America.

SIR,

A SOCIETY has lately been inſtituted in this State, called the HISTORICAL SOCIETY; the profeſſed deſign of which is, to collect, preſerve and communicate, materials for a complete hiſtory of this country, and accounts of all valuable efforts of human ingenuity and induſtry, from the beginning of its ſettlement. In purſuance of this plan, they have already amaſſed a large quantity of books, pamphlets and manuſcripts; and are ſtill in ſearch of more: A catalogue of which will be printed for the information of the public.

They have alſo encouraged the publication of a monthly pamphlet, in which is given the reſult of their enquiries, into the natural, political and eccleſiaſtical hiſtory of this country. It is requeſted that you would contribute to its value and importance, by attention to the articles annexed. The Society beg leave to depend on your obliging anſwer to theſe heads of inquiry, when leiſure and opportunity will permit.

Your letters addreſſed, free of expenſe, to the ſubſcriber, will be gratefully received, and duly noticed in the Society's publications; and you will have the ſatisfaction of contributing to the general ſtock of knowledge, with which they hope to entertain the public.

In the name, and by order of the Society,
JEREMY BELKNAP,
Correſponding Secretary.
Boſton, in Maſſachuſetts, Nov. 1, 1792.

Articles on which the Society requeſt information.

1. The time when your town or city was incorporated; its Indian name; when the ſettlement began; whether it was interrupted, and by what means; to what Colony or County it was firſt annexed; and if there have been any alterations, what they are, and when made.

2. The exploits, labours and ſufferings of the inhabitants in war; particular accounts of deva ſtations, deaths, captivities and redemptions.

3. Diviſions of your town or city in pariſhes and precincts, or the erection of new towns within the former limits.

4. Time of gathering churches of every denomination; names of the ſeveral Miniſters; the times of their ſettlement, removal and death; and their age at the time of their death.

5. Biographical anecdotes of perſons in your town, or within your knowledge, who have been remarkable for ingenuity, enterpriſe, literature, or any other valuable accompliſhment; an account of their literary productions, and if poſſible, copies of them.

6. Topographical deſcription of your town or county, and its vicinity; mountains, rivers, ponds, animals, vegetable productions; remarkable falls, caverns, minerals, ſtones, foſſils, pigments, medicinal and poiſonous ſubſtances, their uſes and antidotes.

7. The former and preſent ſtate of cultivation, and your thoughts on farther improvements, either in reſpect to agriculture, roads or canals.

8. Monuments and relicks of the ancient Indians; number and preſent ſtate of any remaining Indians among you.

9. Singular inſtances of longevity and fecundity from the firſt ſettlement to the preſent time.

10. Obſervations on the weather, diſeaſes, and the influence of the climate, or of particular ſituations, employments and aliments, eſpecially the effect of ſpirituous liquors on the human conſtitution.

11. Accurate bills of mortality, ſpecifying ages and caſualties, the proportion of births and deaths, and the increaſe or decreaſe of population.

12. Accounts of manufactures and fiſheries, and thoughts on the farther improvement of them.

13. Modes of education, private or public; what encouragement is given to ſchools and colleges, and what is done to advance literature; whether you have a ſocial library, what is the number of books, and of what value.

14. What remarkable events have befallen your ſtate, county, town, or particular families or perſons, at any time.

P. S. The Correſponding Members of this Society are requeſted to tranſmit to the Correſponding Secretary, any hiſtorical information of which they may be poſſeſſed, reſpecting any part of the American Continent and Iſlands, together with printed acts and journals of Aſſemblies and Conventions, whether civil or eccleſiaſtical. And the Society will gratefully receive from them and from all other perſons whatever, any books, pamphlets, manuſcripts, maps or plans which may be uſeful in forming an hiſtorical collection—and any natural or artificial productions which may enlarge the Muſeum.

The Library and Muſeum are depoſited in an apartment of Faneuil Hall. *Any perſon* deſirous of making a ſearch among the books or manuſcripts, may have acceſs to them under ſuch regulations, as may be known by applying to any one of the members.

Juſt publiſhed,
By THOMAS DOBSON,
At the Stone Houſe, No. 41, South Second-Street,
A CASE,
Decided in the SUPREME COURT of the UNITED STATES, in which is diſcuſſed the Queſtion,
WHETHER A STATE IS LIABLE TO BE SUED BY A PRIVATE CITIZEN OF ANOTHER STATE?
Price Half a Dollar.